

STATE OF MAINE

KENNEBEC, ss.

WATERVILLE DISTRICT COURT

DOCKET NO:

David Brennan

*

PLAINTIFF

*

AFFIDAVIT OF GARY FULLER

v.

*

CODE ENFORCEMENT OFFICER

Gina Turcotte, and

*

TOWN OF SIDNEY, MAINE

All Other Occupants

*

DEFENDANT(s)

*

NOW COMES Gary Fuller, Code Enforcement Officer for Town of Sidney Maine, upon his own knowledge, information and belief, and so far as upon his information and belief, he believes this information to be true and correct, submits his Affidavit in support of Defendant's Motion to Dismiss Plaintiff's Complaint for Forcible Entry and Detainer due to serious habitability violations and unsafe conditions at the subject property.

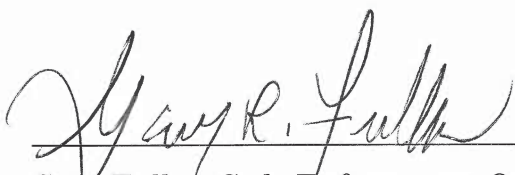
1. I am the legally appointed Code Enforcement Officer for Town of Sidney, Maine.
2. On February 17, 2015 Defendant requested I perform an inspection at 2528 West River Road Sidney Maine at which time I found serious defects which materially impair or endanger the tenants' safety, health and welfare, including but not limited to the following items, as stated in my letter to Defendant dated February 17, 2015:
 - a. *Several electrical outlets are loose and not operational.*
 - b. *There weren't enough smoke detectors within the home.*
 - c. *No ground fault electrical outlets in bathroom or near kitchen sink.*
 - d. *Unsafe wood stove in basement area, not enough clearance from stove pipe to combustible materials.*
 - e. *Several support post in basement area are rotted and in need of replacement.*
 - f. *Handrail and guard system on stairs not up to code as far as baluster spacing and height.*
 - g. *No egress windows in upstairs rooms.*
 - h. *Exterior stair handrails inadequate.*
 - i. *Improper installation of first floor wood stove.*

3. On July 9, 2015 Defendant invited me to inspect the property a second time at which time I found the following defects as expressed in my July 13, 2015 email to Defendant, *"foundation is in terrible disrepair in terms of the bulkhead breaking off and leaning into the basement as well as other areas that are structurally unsound. A foundation in this condition certainly makes this home structurally unsound."*
4. Town of Sidney ordinances do not authorize me to order Plaintiff to make repairs.
5. I affirm the attached pictures accurately represent parts of the unsafe foundation and other items at the property which I have personally observed and inspected.
6. Defendant's safety, health and welfare are in significant danger while living at the property due to the unsafe conditions as expressed above but also including other unknown dangers resulting from the above-mentioned defects at the property.

I, Gary Fuller, Code Enforcement Officer, Town of Sidney, Maine plan to testify at all future testimonial court hearings about the unsafe conditions at the property.

I, Gary Fuller, Code Enforcement Officer for Town of Sidney, Maine, swear under penalty of perjury that the foregoing facts are true to the best of my own knowledge, information and belief, and so far as upon my information and belief, I believe this information to be true and correct.


August 17, 2015


 Gary Fuller, Code Enforcement Officer
 Town of Sidney Maine

State of Maine

County of Kennebec

Subscribed and sworn to before me on this 17th day of August, 2015, at Sidney, Maine.


 Notary Public

SHEILA THORNE
 Notary Public, Maine
 My Commission Expires July 20, 2021

SEAL



















